

### **REMARKS**

Claims 2-14 are pending in this application after this amendment. Claim 2 is independent. Claim 1 has been canceled without prejudice or disclaimer to the subject matter included therein. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

In the outstanding Official Action, the Examiner objected to the drawings, the specification and the claims. The Examiner further rejected claims 1-2 and 11-13 under 35 U.S.C. §102(b) as being anticipated by Lin (USP 6,108,437); rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Lobo et al. (USP 5,781,650); rejected claims 4, 5, and 7 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Dobashi (U.S. Patent Application Publication No. 2002/0126880); rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Lobo et al. and further in view of Prokoski et al. (USP 5,163,094); rejected claims 6, 9, and 10 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Okazaki et al. (U.S. Patent Application Publication No. 2002/0176610); rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Lin in view of Colmenarez et al. (U.S. Patent Application Publication No. 2002/0167403); and provisionally rejected claim 1 on the grounds of nonstatutory double patenting over claim 1 of copending Application No. 11,150,248. Applicant respectfully traverses these rejections.

### **Objection to the Drawings**

The Examiner objected to the drawings based on minor informalities. By this amendment, Applicant has amended the drawings as suggested by the Examiner. Based on these amendments, Applicant respectfully requests that the outstanding objection be withdrawn.

### **Objection to the Specification**

The Examiner objected to the specification based on minor informalities. By this amendment, Applicant has amended the specification as suggested by the Examiner. Based on these amendments, Applicant respectfully requests that the outstanding objection be withdrawn.

### **Objection to the Claims**

The Examiner objected to the claims based on minor informalities. By this amendment, Applicant has amended the claims as suggested by the Examiner. Based on these amendments, Applicant respectfully requests that the outstanding objection be withdrawn.

### **Claim Rejections – 35 U.S.C. §102**

The Examiner rejected claim 1 asserting Lin discloses all of the claim elements. Applicant respectfully disagrees with the Examiner's characterization of this reference.

Claim 2, as amended, recites "an authentication unit, when said degree of similarity is higher than said predetermined value, deciding whether or not said user's face-picture is identical with the face-picture of the user by a method stricter than the method used therebefore."

In contrast, the disclosure of Lin is directed to a face recognition apparatus that extracts facial features from a person's image and compares the extracted facial features with a database of extracted facial features to identify the face.

Lin discloses in col. 6, lines 48-50, facial features of the face are extracted by feature extractor. Lin further discloses in col. 7, lines 10-14, face recognition server 40 selects the stored feature vectors with the highest level of confidence based statistical analysis techniques (step 215) to identify the face.

However, these teachings are insufficient to anticipate "an authentication unit, when said degree of similarity is higher than said predetermined value, deciding whether or not said user's

face-picture is identical with the face-picture of the user by a method stricter than the method used therebefore,” as recited in amended claim 2. There is no teaching or suggestion in Lin that is directed to **when said degree of similarity is higher than said predetermined value**, deciding whether or not said user’s face-picture is identical with the face-picture of the user **by a method stricter than the method used therebefore**. Further, none of the other references cited by the Examiner teach or suggest this claim element in conjunction with the other claim elements. As such, Applicant respectfully submits that claim 2 is not anticipated by Lin. For at least this reason, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 3-14 are allowable for the reasons set forth above based upon their dependency on claim 2.

#### **Provisional Double Patenting Rejection**

By this amendment, Applicant has amended claim 2 to include the elements of claim 1 and elements similarly recited in claim 2. Based on this amendment, Applicant respectfully requests that the outstanding provisional double patenting rejection be withdrawn.

#### **Conclusion**

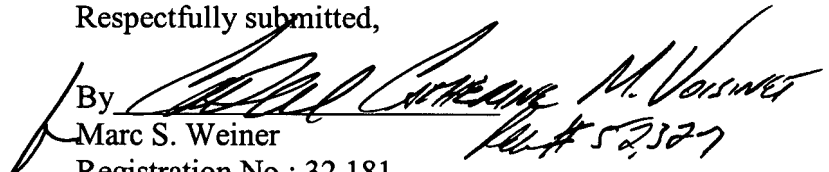
In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: *September 24, 2007*

Respectfully submitted,

By  *M. Weiner*  
Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachments